

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAPHNE SHOWELL,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	No. 98-2141
TRUMP TAJ MAHAL CASINO,	:	
	:	
Defendant.	:	

EXPLANATION AND ORDER

I was informed that there would be a dispute at this afternoon's independent psychological examination of plaintiff, Daphne Showell, because counsel for plaintiff, Alan M. Lerner, Esq., sought to attend. Defendant vigorously objected to counsel's presence.

Following oral argument by both parties over the telephone, I concluded that counsel for plaintiffs, in general, should be permitted to attend an independent medical examination that takes place in an adversarial context (see Gensbauer v. May Dept. Stores Co., 184 F.R.D. 552 (E.D. Pa. 1999)) -- even when the examination is not physical in nature. See Jefferys v. LRP Publications, Inc., 184 F.R.D. 262, 263 (E.D. Pa. 1999).

However, defendant argued that the attendance of plaintiff's counsel might be disruptive to the examination. After weighing the concerns of both parties, I entered the following order.

AND NOW, this day of October, 2000, **IT IS ORDERED** that: (a) Mr. Lerner shall not, under any circumstances, interrupt the examination; and (b) Mr. Lerner shall sit in such a position that his client is unable to see him.

ANITA B. BRODY, J.

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